

REMARKS

In a communication dated December 15, 2004, a restriction to one of the following patentably distinct species was required under 35 USC §121:

Group I Claims 27-29 Drawn to a method of treating a spinal deformative

Group II Claims 30-46 Drawn to a method of using a cutting tool

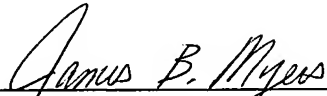
In response, Applicants elect to prosecute Group I, Claims 27-29, drawn to a method of treating spinal deformities, for substantive examination, with traverse.

Please cancel claims 30-46, without prejudice, to be prosecuted in a divisional application.

Applicants respectfully request timely examination of this application leading to allowance of all elected claims. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Response or other issues that may be resolved in that fashion.

Respectfully submitted,

By: _____


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